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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

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14 UNITED STATES OF AMERICA,) CR No.: 06-0735 MAG
15)
16 Plaintiff,) STIPULATION AND [PROPOSED]
17 v.) ORDER EXCLUDING TIME
18 KENNETH ELLER,)
19 Defendant.)
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21 On April 9, 2007, the parties in this case appeared before the Court for a status conference.

22 At that time, the parties stipulated that time should be excluded from the Speedy Trial Act
23 calculations from April 9, 2007 through April 16, 2007, for continuity of counsel and for
24 effective preparation of defense counsel. The parties represented that granting the continuance
25 was the reasonable time necessary for effective preparation of defense counsel, taking into
26 account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also
27 agreed that the ends of justice served by granting such a continuance outweighed the best
28 interests of the public and the defendant in a speedy trial. See 18 U.S.C. § 3161(h)(8)(A).

Also at the April 9, 2007 hearing, the parties stipulated that there are a total of fifty-five days remaining for purposes of calculating the right of the defendant and the public to a speedy trial under 18 U.S.C. § 3161. The parties further stipulate that taking into account the exclusion of time from April 9, 2007 through April 16, 2007, the speedy trial date is June 11, 2007.

SO STIPULATED:

SCOTT N. SCHOOLS
United States Attorney

4/11/2007

/s/ Derek R. Owens

DATED: _____

DEREK R. OWENS
Special Assistant United States Attorney

04/13/07

/s/ Neil I. Sanders

DATED: _____

NEIL I. SANDERS
Attorney for Kenneth Eller

As the Court found on April 9, 2007, and for the reasons stated above, the Court finds that an exclusion of time from April 9, 2007 through April 16, 2007, is warranted and that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. See 18 U.S.C. §3161 (h)(8)(A). The failure to grant the requested continuance would deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. See 18 U.S.C. §3161(h)(8)(B)(iv).

The Court also finds there are fifty-five days remaining for purposes of calculating the right

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1 of the defendant and the public to a speedy trial under 18 U.S.C. § 3161, and therefore the
2 speedy trial date is June 11, 2007.

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4 SO ORDERED.

5 DATED: 4/16/07



THE HON. NANDOR J. VADAS
United States Magistrate Court Judge

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